

REMARKS

Status of the Claims

The Office Action dated April 14, 2010 has been received and reviewed by the applicant. Claims 1-8 are pending in the application. Claims 1-8 stand rejected. Reconsideration is respectfully requested.

The abstract of the disclosure is objected to because the abstract contains legal phraseology. Correction is required. See MPEP § 608.01(b). In response, the abstract is amended.

Claims 1-8 stand objected to because of the following informalities: claim 1 line 1 "Apparatus" should be "An apparatus", claims 2-8 line 1 "Apparatus" should be "The apparatus", and claim 2 line 2 "the leading edge" should be "a leading edge" and line 3 "a sheet" should be "the sheet." In response, each of the claims is amended accordingly.

Claims 1-6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Holtje (US 5,692,740). The rejection states applicant's arguments filed 19 January 2010 have been fully considered but they are not persuasive. Applicant argues Holtje does not disclose at least two accommodation segments arranged on independently coaxially rotating stacking members which can be actuated together or separately. The rejection then states that "Holtje does disclose at least two accommodation segments (19a,b) arranged *on independently coaxially (at 14)* rotating stacking members (16a,b and column 5 lines 57-60) which can be actuated together or separately (actuated by springs 22a,b)." It is noted that the rejection parses the claim at points which are grammatically inappropriate so that the clear meaning of the limitation reads incorrectly. More specifically, the rejection parses the prepositional phrase as "on independently coaxially (at 14)," but this is not standard usage since the object of the preposition "rotating stacking members" is separated from its preposition "on." The rejection interprets the "segments" (19a and 19b in Holtje) as independent and coaxial since it conveniently parses the sentence. The entire prepositional phrase is "on independently coaxially rotating stacking members" so that independently and coaxially modify the "rotating stacking member" which are subsequently "arranged" or attached to the segments.


In response, claim 1 is amended for clarity to define coaxially directly in the claim to more clearly distinguish the claimed invention from the prior art. This language simplifies the prepositional phrase. More specifically, claim 1 now states that there are "two accommodation segments arranged on independently rotating stacking members which stacking members are mounted on a common axis and which can be actuated together or separately." This is in contrast to the above description of Holtje which has clearly been interpreted as having the "segments" as independent and coaxial, not the stacking members. Therefore, Holtje does teach or suggest the claimed invention.

Since the amendment is for clarity and all the limitations are, in essence, the same, it is respectfully submitted that there is no need for any further search.

The Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.